
Appendix X

FWCA Report



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (MS 65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:

ES/CO: COE/Omaha/Chatfield
TAILS: 65412-2010-CPA-0111

Ms. Kayla Eckert Uptmor
U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE
106 South 15th Street
Omaha, Nebraska 68102-1618

Dear Ms. Uptmor:

This letter is submitted by the U.S. Fish and Wildlife Service (Service) to the U.S. Army Corps of Engineers (Corps) updating progress made to identify and address concerns and opportunities regarding fish and wildlife resources for the proposed Chatfield Reservoir Storage Reallocation project since the Service's February 2006 Planning Aid Report (PAR). The PAR identified significant and sensitive fish and wildlife resources, and suggested measures for mitigation of project-related impacts. The Service has prepared this letter under authority of the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 et seq.), as amended. This letter amends the PAR and together they constitute our Draft FWCA Report for the Corps' Feasibility Study.

Since our PAL, we have reviewed preliminary portions of the Corps' Draft Environmental Impact Statement (DEIS) and participated in discussions with the Corps, the U.S. Forest Service, the Colorado Division of Wildlife, the Chatfield Water Providers, Tetra Tech, Otter Tail Environmental, ERO Resources Corporation (ERO), and other parties regarding the project.

As you know, the federally-threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (PMJM) is known to occur on and near riparian habitats at the project site and critical habitat for the PMJM is currently designated along the South Platte River from Chatfield Reservoir upstream to the upstream boundary of Corps property on the river. In addition, our October 8, 2009, proposal to revise critical habitat for the PMJM would, if finalized in its present form, extend PMJM critical habitat on site to the reach of Plum Creek from Chatfield Reservoir upstream to beyond the limits of Corps property. A variety of mitigation options are currently being pursued to avoid, reduce and offset impacts to the PMJM and its habitat, including both designated and proposed critical habitat.

As described in our PAR, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in existing or new water depletions to the Platte River system may affect the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), threatened piping plover (*Charadrius melodius*), endangered pallid sturgeon (*Scaphirhynchus albus*), threatened western prairie fringed orchid (*Platanthera praeclara*), and designated critical habitat for the whooping crane in the central Platte River in Nebraska. Formal section 7 consultation on water-related projects associated with depletions to the central Platte River should include a complete project description including water-related project elements, origin of water associated with the proposed project, and the nature and estimated amount of water use under build-out conditions. If your office or the applicant would like to further discuss the proposed project in relation to Platte River system depletive issues in Colorado, please contact Sandy Vana-Miller in my office at (303) 236-4748.

This letter does not constitute interagency consultation within the meaning of section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531, et seq.). We anticipate that a Biological Assessment (BA) will be developed by the Corps and included with the Draft Chatfield Reservoir Storage Reallocation Feasibility Report and DEIS. The Service will provide a Biological Opinion regarding impacts of the preferred alternative in accordance with time frames established under the ESA.

The bald eagle (*Haliaeetus leucocephalus*), a species listed as threatened under the ESA at the time of our 2006 PAR, has since been removed from the Federal list of endangered and threatened species. However, it remains protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668) and the Migratory Bird Treaty Act (16 U.S.C. 703-712). While bald eagle populations in the Front Range of Colorado continue to increase, we are not aware of recent nesting or significant winter roosting activity in the vicinity of Chatfield Reservoir.

Since 2007, the Service has worked with ERO and other parties to assist in the development of a Comprehensive Mitigation Plan (CMP) that includes methodology and techniques appropriate for adequately quantifying impacts to the PMJM, migratory birds, wetlands, riparian woodlands, and other resources, and developing mitigation within and upstream of Corps property at Chatfield Reservoir. The CMP is based on an ecological function unit concept that quantifies resources that would be lost and provides a basis for the full mitigation of these losses. The plan continues to evolve, and while the Service has not fully evaluated specific details, we are supportive of the concepts underlying the CMP and are committed to working jointly with other parties to ensure its successful development and implementation.

As always, the Service is concerned that unavoidable impacts to fish and wildlife resources, including wetlands, be fully mitigated; that mitigation occurs in advance of impacts to the extent possible; and that the priority is to mitigate impacts on or near the project site. Wetland mitigation should be consistent with the Corps and U.S. Environmental Protection Agency's 2008 final rule regarding compensatory mitigation for losses of aquatic resources.

It is our understanding that the Chatfield Water Providers will be responsible for the successful implementation of the CMP, but that efforts will be led by the State with Corps oversight. The Service anticipates being involved throughout project and CMP implementation, and will participate in an appropriate advisory role to assure success of the CMP. Uncertainties remain as to the actual impacts of raised water storage levels. Frequency, duration, and timing of filling will influence impacts, as will periodic inundation associated with flood control. Monitoring of actual impacts over time and adaptive response to conditions that develop are important aspects of any mitigation plan.

Should your staff have any questions concerning this letter, please contact Peter Plage of my staff at (303)236-4750.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Linner".

Susan C. Linner
Colorado Field Supervisor

pc: CDOW, Denver, CO
EPA, Denver, CO
Plage

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